

ANDERSON COUNTY COUNCIL
ANDERSON, SOUTH CAROLINA
Regular Meeting – March 5, 2002 - 6:00 p.m.
Linda N. Gilstrap, Clerk to Council

M I N U T E S

All area newspapers, radio stations and television stations were informed of this meeting in compliance with guidelines set forth in the *Freedom of Information Act*.

PRESENT

Chairman Larry E. Greer – District #3, Presiding
G. Fred Tolly – District #1
Vice Chairperson Gracie S. Floyd - District #2
Clint Wright – District #4
Mike Holden – District #5
William C. Dees – District #6
M. Cindy Wilson – District #7
Joey Preston – Administrator
Tom Martin – County Attorney
Linda N. Gilstrap – Clerk to Council
Tammie Shealy, Deputy Clerk to Council

(During times of discussion and presentations the minutes are condensed and paraphrased.)

The official meeting of the Anderson County Council convened in the Council Chambers of the Historic Courthouse on Tuesday, March 5, 2002 at 6:00 p.m.

Ms. M. Cindy Wilson gave the invocation and everyone stood and pledged allegiance to the flag.

Chairman Greer exercised a moment of personal privilege by asking for a moment of silence in honor and memory of soldiers that have given their lives in the past week in defense of our country in defense of terrorism.

On the motion of Mr. Tolly, seconded by Mr. Dees, Council voted unanimously to approve the minutes from the February 5, 2002 meeting with correction of several typographical errors.

Citizens Comments: Mr. Dan Harvell spoke in reference of the June 20, 2001 ending Audit. He asked questions concerning (pg. 23) the Airport regarding a deficit retained earning lost of \$621,838. Also, (pg 31) an advance of \$558,000 from General fund to the Airport Enterprise fund to cover the losses. Mr. Preston asked the external auditors to meet with Mr. Harvell in the conference room to explain this.

On the motion of Mr. Holden, seconded by Mr. Floyd, Council voted unanimously to ratify Resolution #R2002-021 – a resolution recognizing and honoring Beverly Brandon" Lockridge for her long and distinguished career in broadcast radio, upon the occasion of her retirement from active broadcast journalism; and other matters related thereto. Mr. Holden presented Ms. Lockridge the framed resolution.

On the motion of Mr. Dees, seconded by Ms. Wilson, Council voted unanimously to approve Resolution #R2002-016 – a resolution acknowledging Anderson County Resident and benefactor, Thomas A. Langston, for his many contributions to the Anderson County Head Start Program, and recognizing and honoring him for receiving both the State and Regional Head Start Association 2001 Humanitarian of the Year Awards. Mr. Bill Dees and Mr. Larry Greer presented a framed copy of the resolution and commended Mr. Langston for his outstanding contributions to the Citizens of Anderson County.

Council received a presentation by Colonel Roger A. Gerber, Mr. Jim Parker, and Mr. Dick Austin with the Corp of Engineers concerning Hartwell Lake Water levels and the drought. Council received as information.

Ms. Shawn Wood and Ms. Vicky Rogers asked County Council to approve the closing of Gin Road which is next on the agenda for action. Council received as information

Chairman Greer read resolution #R2002-022 – a resolution expressing intent to cease County maintenance and to authorize County consent to judicial abandonment and closure of a certain portion of Anderson County roads; granting encroachment permits as to such portions of said Anderson County roads and other matters related thereto. On the motion of Mr. Dees, seconded by Mr. Tolly, Council discussed. Mr. Dees called for the question. Vote was six in favor and one abstention (Ms. Wilson). Motion carried.

Sheriff Taylor reported on the Noise ordinance and the committee set up to review and make recommendations to Council. He said that he has reviewed the information sent to him from the Retreat and he determined that 95% deals with legal matters and would be best answered by the County Attorney. Some of it deals with the Land Use ordinances and legal definitions, which is beyond the scope of the citizens committee to address. Ms. Floyd respectfully requested that this be delayed for discussion until the County Attorney has a chance to look at the new concerns as a result of the County Retreat. Council suggested that they receive a draft form of the ordinance for the first meeting in April. Council received as information.

Council recessed for 5 minutes at this time.

Mr. Dees moved to remove from the table Ordinance #2002-004 dealing with oxygen tanks. Ms. Floyd seconded and vote was six in favor and one opposed (Ms. Wilson). Motion carried. Council discussed the enforcement, the issue of gathering the information in question and other issues. Mr. Wright stated that he would like an opportunity to review documents that the County Attorney has prior to voting on the issue. Ms. Wilson expressed concern that Council was bringing off the table an ordinance that she was sole sponsor of. Mr. Tolly called for the question and Mr. Dees seconded. Vote was three in favor (Holden, Tolly, Dees) and four in opposition (Greer, Wilson, Floyd, Wright). Motion failed to end discussion. Mr. Wright moved to table the ordinance to allow for time to study information that the county attorney has obtained. Ms. Wilson seconded the motion to table and vote was four in favor (Floyd, Wright, Wilson, Greer) and three opposed (Tolly, Holden, Dees). Motion to table carried. Chairman Greer stated that he has a problem that this may be an evasion of privacy.

Chairman Greer read Ordinance #2002-001 (an ordinance amending in certain limited particulars Section 2-492 of the Anderson County Code of Ordinances pertaining to the Anderson County Economic Advisory Board; and other matters relating thereto) for consideration by Council on third and final reading. Mr. Tolly moved to approve and Mr. Wright seconded. Vote was unanimous.

Chairman Greer presented third and final reading of Ordinance #2002-002 – an ordinance amending in certain limited particulars Chapter 2, Article IV, Section 2-361 of the Anderson County Code of Ordinances pertaining to the appointment of standing Committees of Council; and other matters relating thereto. Mr. Greer moved to approve and Mr. Dees seconded. Ms. Wilson said that she was concerned that Council was not providing the best in representation if the chairman is not allowed to appoint these committees. Vote was unanimous.

Chairman Greer presented third and final reading of Ordinance #2002-003 – an ordinance making technical modifications to the Anderson County Code of Ordinances; and other matters relating thereto. Mr. Wright moved to approve and Mr. Dees seconded. Vote was six in favor. Ms. Wilson stepped out of the room and was not present at the time of the vote.

Chairman Greer presented third and final reading of Ordinance #2002-007 – an ordinance amending Section 2-637 of the Anderson County Code of Ordinances, pertaining to procurement procedures for the external Auditors for Anderson County, South Carolina; and other matters related thereto. A public hearing was held and Council heard from Mr. Dan Harvell who stated that the taxpayers of Anderson County would be better served if the accounting firm was hired for two years with an option to renew for one year. The public hearing was declared closed. Mr. Tolly moved to approve and Mr. Dees seconded. Mr. Joey Preston reported that the current auditors have one more year, which is for this fiscal year. Mr. Carroll reported that the current contract is for budget years 1999-2000, 2000-2001, and the last year of the three-year contract - 2001-2002. This is the audit for year ending June 30, 2002. Vote was unanimous.

Chairman Greer presented second reading of Ordinance #2002-005 – an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to rezone from R-A to R-20 approximately 45.048+ acres of property in the Hammond School Precinct on the west side of Stringer Road: BEING described generally as beginning at a point on Stringer Road approximately 1740.8+ feet north-northwest of its intersection with Old Williamston Road, thence north 144+ feet to a point, thence west-northwest 1428.4+ feet to a point, thence west-southwest 164.3+ feet to a point, thence southwest 444.2+ feet to a point, thence west 396+ feet to a point, thence northwest 248.1+ feet to a point, thence west-southwest 254.75+ feet to a point, thence west-northwest 390+ feet to a point, thence southeast 504.83+ feet along Beaverdam Creek to a point, thence east 1791.83+ feet to a point, thence southeast 711.2+ feet to a point, thence south-southeast 468+ feet to a point, thence east 450+ feet to a point, thence north-northwest 800+ feet along Stringer Road to the point of beginning. The property is identified by TMS#172-00-02-016 and is fully described by Plat Book 17, Page # 114. Mr. Ricketson stated that the ordinance was recommended by the full support of the Planning Commission and the Citizens Advisory Group. On the motion of Mr. Wright, seconded by Mr. Dees, Council voted five in favor, one abstention, (Holden abstained because of a possible conflict) and one recusal. Ms. Wilson recused herself and left the room at the time of discussion and vote. Ms. Wilson's recusal form is attached as EXHIBIT A.

Chairman Greer presented second reading of Ordinance #2002-006 – an ordinance amending Ordinance #99-004, the Anderson County Zoning Ordinance, as adopted July 20, 1999, by amending the Anderson County Official Zoning Map to rezone from R-A to C1-R approximately 2.35 +/- acres of property in the Hopewell precinct on the south side of Long Road: Being described generally as beginning at a point on Long Road approximately 702 +/- feet northwest of its intersection with Wilson Road, thence southwest 389.65 +/- feet to a point, thence northwest 294.64 +/- feet to a point, thence northeast 383.61 +/- feet to a point, thence southeast 236.90 +/- feet along Long Road to the point of beginning. The property is identified by TMS#170-00-05-002 and is fully described by Plat Book Reference DB 9v, page #261. Mr. Ricketson stated that the ordinance was recommended by the full support of the Planning Commission and the Citizens Advisory Group. On the motion of Mr. Wright, seconded by Mr. Dees, Council voted six in favor and one recusal. Ms. Wilson recused herself and left the room during discussion and vote. (See EXHIBIT A)

Chairman Greer presented second reading of Ordinance #2002-010 – an ordinance amending in certain limited particulars Chapter 30, Article VI, of the Anderson County Code of Ordinances pertaining to regulation of security and/or burglar alarm systems in Anderson County; and other matters relating thereto. This ordinance deals with the registration of the alarms. Mr. Holden moved to approve on second reading and Ms. Wilson seconded. Vote was unanimous.

Chairman Greer presented first reading of Ordinance #2002-008 – an ordinance authorizing the leasing of available commercial office space at the Anderson Airport; and other matter related thereto. On the motion of Ms. Wilson, seconded by Mr. Tolly, Council voted unanimously to approve on first reading as presented.

Chairman Greer presented first reading of Ordinance #2002-011 – an ordinance amending, in limited particulars only, section 38-638 of the Anderson County Code of Ordinances pertaining to the means by which a road may be designated as a County road, and other matters related thereto. On the motion of Mr. Dees, seconded by Ms. Wilson, Council voted unanimously to approve on first reading. Chairman Greer said that he is troubled when departments of government (state DOT) when they chose to turn a road over to the County the County has no choice. What would happen if a road is turned over to the County and then the county decides to abandon the road? Mr. Martin stated that would be allowed with the ordinance.

Mr. Clint Wright moved to remove from the table Resolution #R2002-008 – a resolution dealing with background checks for EMS. Mr. Dees seconded. Vote was unanimous. Mr. Wright said that on February 5 when the resolution was introduced he had concerns of the retroactive affects. Mr. Shealy provided a revised version that would address those concerns. There is an active motion and a second on the floor, Mr. Wright stated. Mr. Shealy said that the when the original resolution was presented it would have prevented certain current employees from keeping their employment due to potential criminal history backgrounds. Changes have been drafted that would prevent a past-criminal history from removing someone from employment with a squad if they are currently employed as of February 5. Mr. Wright moved to amend the resolution with these changes and Ms. Wilson seconded. Vote was unanimous. Vote on the original Resolution as amended was unanimous.

Chairman Greer presented Resolution #R2002-020 – a resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its economic development revenue bonds (Rock-Tenn Converting Company Project) Series 2002, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$2,500,000. A public hearing was held; no comments were received. On the motion of Mr. Tolly, seconded by Ms. Wright, Council voted unanimously to approve the resolution as presented.

Chairman Greer presented Resolution #R2002-023 – a resolution expressing intent to cease County maintenance and to authorize County consent to judicial abandonment and closure of certain Anderson County roads; granting encroachment permits as to such portions of said Anderson County roads and other matters related thereto. (Duckhead Road C12-73) Mr. Greer moved to approve and Mr. Wright seconded. Vote was unanimous.

Chairman Greer presented Resolution #R2002-024 – a resolution declaring the week of March 24, 2002, as Small Business Week in Anderson County, South Carolina, and welcoming former South Carolina Governor Robert E. McNair, founder of the McNair Law Firm, P.A., to Anderson County as the keynote speaker for the second annual Anderson Area Chamber of Commerce Small Business "Success" Awards luncheon on

March 26, 2002. Mr. Dees moved to approve and Mr. Tolly seconded. Vote was unanimous. Chairman Greer presented the Resolution to Mr. John Garman of the Chamber of Commerce. Ms. Floyd reported that Council and the committee was doing everything possible to assist them and encouraging these Small Businesses.

Chairman Greer presented Resolution #R2002-025 – a resolution temporarily discontinuing enforcement of the eight minute fifty-nine second emergency response time requirement that all Emergency Medical Service providers must comply with until October 1, 2002, to provide for additional study to determine the appropriateness of the response time requirement; and other matters related thereto. Mr. Dees moved to approve and Ms. Wilson seconded. Vote was unanimous.

Chairman Greer presented Resolution #R2002-028 – a resolution to increase the time limit from three (3) minutes to four (4) minutes for all citizens wishing to speak under the citizens' comments section of the Anderson County Council agenda. This will allow more time for citizens' input and comments. Ms. Wilson, the sponsor, stated that she had been advised at the beginning of the meeting that would be appropriately done as an ordinance rather than a resolution. Mr. Greer informed Ms. Wilson that she needed a two-thirds vote to place an ordinance on the agenda. Vote was unanimous. Ms. Wilson moved to change the resolution to an ordinance (#2002-012) and to approve on first reading. Mr. Wright seconded. Council voted two in favor (Wilson, Wright) and five opposed (Holden, Dees, Tolly, Floyd, and Greer). Motion failed and ordinance #2002-012 is dead.

Chairman Greer presented Resolution #R2002-029 – a resolution calling for an arms length audit of the finances of the Airport, Solid Waste (including all departments associated with Solid Waste such as Recycling and etc.) also, included for an arms length audit of all County Council accounts, the Michelin Project and also, the thirty-eight miscellaneous accounts. Ms. Cindy Wilson, the sponsor, moved to approve. Motion died from lack of a second.

Mr. Tolly moved to approve an appropriation of \$5,000 from District #1's Recreation Account for the Foothills Rape Crisis Center. Mr. Dees seconded and vote was unanimous.

Mr. Wright moved to approve an appropriation of \$1,500 from District #4's Recreation Account for the Townville Recreation Association for programming. Ms. Wilson seconded and vote was unanimous.

Mr. Holden asked Mr. Preston to have his staff check into putting 5-way stop signs at the George Albert Lake Road where McDuffie Street crosses and three other roads come together and make a recommendation.

Ms. Wilson moved to appropriate \$2,000 from District #7's Paving Account to purchase a repeater for the Pelzer Rescue Squad. Mr. Holden seconded and vote was unanimous.

On the motion of Ms. Floyd, seconded by Mr. Holden, Council voted unanimously to approve the acceptance of Rolling Creek and Hoitt Gardens Subdivisions into the County Road System.

Ms. Wilson listed the following budgetary requests for consideration into the 2002-2003 fiscal year budget. Town of West Pelzer - \$110,000 for sewer repair, Jockey Lot Convenience Center needs reorganized, paved and expanded. \$300,000 for an emergency substation at Hopewell, \$15,000 for the Honea Path for a Better Community, Friendship Fire Department requested help with 8 fire hydrants (@ \$2,500

per hydrants) and the walking track improvements up to about \$10,000 in assistance, Honea Path Recreation Association requested \$1,376 for T ball field dugouts, Cheddar Youth estimated at \$40,000 (plus or minus). Town of Pelzer requested a total of \$15,000, \$5,000 for restoring the Pelzer Depot and \$10,000 for use and repairs, replacement of sewer infrastructure. Mr. Holden stated that in fairness to all members of Council, that Ms. Wilson's budget request in the amount of \$1,555,000 should be considered for all members of Council.

Mr. Preston stated for the record that Administration have a few days before it was insisted that Administration deliver the \$3,000 for the Town of West Pelzer for pump assistance to go through the process. The Town of West Pelzer and Senator O'Dell was very clear about what the County was doing. Ms. Wilson replied that Mr. Preston indicated that he would have an answer within three days.

Council took a short break at this time. Chairman Greer called the meeting back to order.

Ms. Wilson moved to table item #13 "Continued Discussion on Questions/Answers regarding Anderson County Finances" until the next meeting of Council. Chairman Greer said that the item was a matter of discussion and did not need a motion to table; however, she could withdraw the item for discussion. She reserved the right to bring back up later. Ms. Wilson withdrew the item and also stated that there were many issues that needs discussion by Council.

Chairman Greer went over sections of the Code dealing with Article 1. Section 2-37(f)(4), Section 2-37(f)(7), Section 2-38[©] (5), Section 2-37(f)(8), and Section 2-37(f)(6) dealing with requests to be heard, the agenda will be prepared at least four days prior to each meeting which will include maximum allotted time for each topic, how a member of Council may introduce an ordinance or resolution, citizens wishing to be heard and recognition of persons other than a member of County Council.

ADMINISTRATOR'S REPORT:

- a. Letters of Appreciation:
 - (1) For: Mr. Robert Daly and Ms. Sandy Williamson, Detention Center – From: Gerald B. Black, Agent in Charge, Probation, Parole and Pardon Services
 - (2) For: Catherine Bergstrom, Museum – From: Mary Galira, United Way
- b. Minutes:
 - (1) Anderson County Transportation Division Safety Meeting Minutes – February 22, 2002
- c. Reports:
 - (1) Anderson County Public Safety Division – January Training Report
 - (2) Detention Center Litter report – February 4 to February 15 and February 18 to February 22, 2002
 - (3) Building & Codes January monthly report
 - (4) Recreation Fund Accounts
- d. Pendleton Town change of Corporate limits and annex of property
- e. Pacific Homes –v s.- Anderson County
- f. Approvals by ACTC at November 8, 2002 meeting

There being no further business, Council adjourned at 10:35 p.m.

Respectfully submitted,

Linda N. Gilstrap, Clerk to Council
ANDERSON COUNTY COUNCIL

Attachment: Exhibit A – Ms. Wilson recusal form.

Exhibit A March 5, 2002

MEMORANDUM

TO: COUNTY COUNCIL CHAIRMAN, ANDERSON COUNTY

FROM: M. Cindy Wilson, County Council #7

DATE: 5 March, 2002

RE: Recusal from County Council participation due to potential conflict of interest or appearance of impropriety

Making News.
Making Progress.

County Administrator
Joey R. Preston

Council Members

Clint Wright
Chairman
District 4

Mike Holden
Vice-Chairman
District 5

Cliff Tolly, Jr.
District 1

Gracie S. Floyd
District 2

Larry E. Greer
District 3

William C. Dees
District 6

M. Cindy Wilson
District 7

Clerk to Council

Linda N. Gilstrap

Pursuant to Section 8-13-700, Code of Laws of South Carolina, 1976, as amended, I am hereby giving notice of my abstention from the matter regarding the issues of #2002-005 Hammond School Precinct rezoning & #2002-006 Hopewell Precinct rezoning as it appears before Anderson County Council on 19 February, 2002, 2002. 5 March, 2002 & 19 March, 2002

The potential conflict of interest or appearance of impropriety for which I am recusing myself and abstaining from participation is: #2002-005 - brokendale to Mr. Jeff Nerbert et al; #2002-06 family relation to Mr. William Wilson (for example: a personal or financial interest in the matter in question; a conflict or appearance of impropriety due to business or other relationships with one or more of the parties involved; and so forth).

This document is to be filed as a matter of public record, and is to be included with the official minutes of the County Council meeting at which the matter in question was brought before Anderson County Council.

Respectfully submitted,

Attachment to:

Feb. 19, 2002 minutes

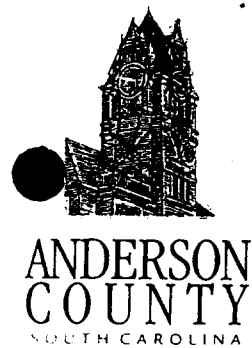
✓ Mar 5, 2002, +

Mar 19, 2002 minutes

M. Cindy Wilson
County Council #7

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